



State of Connecticut  
DIVISION OF CRIMINAL JUSTICE

**TESTIMONY OF THE DIVISION OF CRIMINAL JUSTICE**

**IN SUPPORT OF:**

**S.B. No. 363 (RAISED) AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES  
CONCERNING THE CRIMINAL JUSTICE SYSTEM**

**S.B. No. 326 (RAISED) AN ACT CONCERNING THE INDEMNIFICATION OF LAW  
ENFORCEMENT PROFESSIONALS**

**JOINT COMMITTEE ON JUDICIARY**

**March 7, 2016**

The Division of Criminal Justice respectfully requests the Committee's JOINT FAVORABLE REPORT for S.B. No. 363, An Act Concerning Revisions to Various Statutes Concerning the Criminal Justice System. This bill is submitted to the Judiciary Committee as part of the Division's 2016 Legislative Recommendations to the General Assembly. The Division also expresses its support for the substance of S.B. No. 326, An Act Concerning the Indemnification of Law Enforcement Professionals, but would note that the language of this bill is included in its entirety in Section 3 of S.B. No. 363.

S.B. No. 363 is what the Division refers to as our "omnibus bill," which is the result of our ongoing review of criminal statutes conducted with input from prosecutors and other Division employees throughout the State. The bill incorporates several statutory revisions into one piece of legislation in the interest of legislative economy and recognition of the substantial volume of bills the Committee must address. The bill is best explained by its various sections:

**SECTION 1** proposes the same change that was favorably reported by the Joint Committee on Planning and Development in the 2015 Regular Session. This makes a relatively minor but important change to further promote utilization of the Nuisance Abatement and Quality of Life Act codified in General Statutes Section 19a-343 et. seq. The Nuisance Abatement act authorizes state prosecutors to bring civil nuisance actions against persons and property that are involved in certain types of illegal activity. Unlike ordinary criminal prosecutions, nuisance abatement actions focus on cleaning up properties that are magnets for illegal activity, in addition to punishing wrongdoers. Public nuisance actions are filed in the Superior Court for the Judicial District where the property is located. The prosecutor will seek court orders or negotiate a stipulated agreement for whatever relief is necessary to stop the criminal activity underlying the

nuisance. Many remedies may be possible, ranging from screening prospective tenants for a property to closing the premises altogether.

In order to bring a Nuisance Abatement action, the act requires a minimum of three arrests or the issuance of three arrest warrants indicating a pattern of criminal activity on the property during a one-year period before the action is brought. Not every criminal arrest or arrest warrant makes a property eligible for nuisance abatement. The law specifies ten areas in which arrests must be made to precipitate a nuisance abatement action: (1) Drug trafficking (2) Illegal gambling (3) Prostitution (4) Obscenity involving minors (5) Illegal liquor sales (6) Motor vehicle "chop shops" (7) Inciting injury to persons or property (8) Murder (9) Sexual assault, and (10) Felonious assault.

With regard to illegal liquor sales, Section 19a-343(c)(5) makes arrests for violations of Section 30-74 (unauthorized sale of alcoholic liquor) and 30-77 (disposing of liquor without permit) eligible offenses for purposes of a nuisance abatement action. Over the years, however, it has become obvious that violations of Section 30-86(b)(1) (underage sale by permittee) and 30-86(b)(2) (underage alcohol delivery/sale-no permit) should be added to the list of eligible alcohol offenses.

The Nuisance Abatement Unit in the Office of the Chief State's Attorney has proceeded in the past with cases where the underage sale was charged as a violation of Section 30-74 or Section 30-77, but there have been quite a few occasions where the seller was charged with the violation under Section 30-86, and not Section 30-74, and we have been unable to use the unlawful sale to a minor for nuisance abatement purposes. Section 1 of S.B. No. 363 would correct this situation and help make nuisance abatement a more effective tool against property locations and businesses that become a magnet for problems by allowing minors to purchase alcohol. It is a simple, yet important, change.

**SECTION 2** of S.B. No. 363 is strictly a technical change resulting from advancements in technology. The Division offers this proposal following discussions with the leadership of the Division of Scientific Services and Forensic Science Laboratory in the Department of Emergency Services and Public Protection. All this section does is to allow for electronic signature of reports prepared by the laboratory concerning testing in drug or drunken driving cases. Again, the change simply reflects advances in technology and the growing utilization of electronic signatures; hand signatures would still be allowed as well.

**SECTION 3** of S.B. No. 363 is the same language as S.B. No. 326, An Act Concerning the Indemnification of Law Enforcement Professionals. This bill makes minor technical changes to wording and includes Inspectors in the Division of Criminal Justice among those who are eligible for indemnification. This, too, is largely a technical change since the Inspectors are sworn officers who have many of the same duties and responsibilities of other state and local law enforcement officers and are already included in many other statutory references with their colleagues in other agencies on the various levels of government.

**SECTION 4** of S.B. No. 363 expands from ten years to 20 years the period of time during which an order providing restitution to a victim of a crime can be enforced. This would simply

provide that criminal restitution orders are good for the same amount of time as currently allowed for a civil restitution order, which is 20 years and not the ten years now set for a criminal order. This is only a matter of fairness to the innocent victims of crime who are deserving of restitution for their losses. It is also consistent with the Second Chance Society initiatives, one focus of which is restitution versus other types of sanctions.

**SECTION 5** of S.B. No. 363 seeks to provide additional protections to crime victims who seek and are granted a standing criminal protective order. Currently the standing criminal protective order expires if the defendant who is the subject of the order is allowed to utilize a diversionary program that results in the case being nolle (the entry of a *nolle prosequi*) or dismissed. Section 5 would give the court the authority to leave in place a standing criminal protective order in those cases where such an order is still in order.

**SECTION 6** of S.B. No. 363 extends the criminal lockout statutes to include commercial properties. Section 53a-214 currently only pertains to persons who are denied residence to their dwelling unit or personal possessions, thereby making the section inapplicable to commercial units. Police have historically failed to recognize that the removal of a commercial tenant without eviction is also against the laws of summary process; assuming no applicable criminal penalty on a commercial lockout. While other charges can be brought for the same acts, including larceny and trespass, it would be better enforced and more appropriate to simply expand the definition of the present lockout statute to specifically include commercial properties. S.B. No. 363 also proposes to increase the penalty for criminal lockout from a Class C misdemeanor (incarceration of up to three months) to a Class B misdemeanor (incarceration for up to six months).

**SECTIONS 7 AND 8** of S.B. No. 363 provide additional privacy protections to the victims of sexual assault. These sections add victims of sexual assault in a spousal or cohabitating relationship (Section 53a-70b) to those victims of sexual crimes who are granted confidentiality of their identifying information under Sections 54-86d or 54-86e. This builds upon Public Act 15-213, An Act Concerning Invasions of Privacy, which extended the same confidentiality protections to victims of voyeurism. The addition of sexual assault in a spousal or cohabitating relationship is entirely consistent not only with the 2015 public act, but with the previous provisions governing other sexual assault crimes.

In conclusion, the Division respectfully requests the Committee's **JOINT FAVORABLE REPORT** for S.B. No. 363. We also wish to express our appreciation to the Committee for your consideration of this legislation and would be happy to provide any additional information or answer any questions the Committee might have.